



# **THE ATTORNEY GENERAL OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

April 10, 1961

Honorable H. B. Zachry  
President, Board of Directors  
Texas Agricultural and Mechanical  
College System  
Box 2570  
San Antonio, Texas

Opinion No. WW-1035

Re: Whether changing the name of  
the "Agricultural and Mechan-  
ical College of Texas" requires  
a constitutional amendment.

Dear Mr. Zachry:

You have requested an opinion concerning whether the changing of the name "Agricultural and Mechanical College of Texas" requires a constitutional amendment.

In Heaton v. Bristol, 317 S.W.2d 86, 93 (Civ.App.1958 error ref., appeal dism., cert. den., 359 U.S. 230), it was held:

"The record shows that the Agricultural and Mechanical College of Texas is the oldest State-supported institution of higher learning in Texas. It was established pursuant to Acts of 1875, pages 72, 74, General Laws of the State of Texas, and the College first opened its doors in October 1876, and it has been in continuous operation since that time. The statutory provisions relating to the College are grouped under Chapter 2, Title 29 of the Revised Civil Statutes of Texas."

Section 13 of Article VII of the Constitution of Texas recognizes that the Agricultural and Mechanical College of Texas was created prior to the Constitution of 1876 but had not begun operation at the time the Constitution of 1876 was adopted (February 15, 1876). The Agricultural and Mechanical College of Texas, being created by Acts of the Legislature (Chapter XLIV, General Laws of Texas, 1871; Chapter CXXVI, General Laws of Texas, 1871; Chapter LVII, General Laws of Texas (1875) rather than by a provision of the Constitution of

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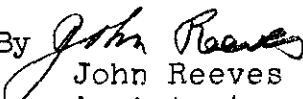
Texas, you are advised that changing the name of the "Agricultural and Mechanical College of Texas" does not require a constitutional amendment but may be done by an act of the Legislature.

SUMMARY

The Agricultural and Mechanical College of Texas was established pursuant to Chapter LVII, Acts of 1875, Page 72, General Laws of Texas (Heaton v. Bristol, 317 S.W.2d 86, 93 (Civ.App. 1958, error ref., appeal dism., cert. den., 359 U.S. 230), and the changing of the name of the "Agricultural and Mechanical College of Texas" does not require a constitutional amendment.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
John Reeves  
Assistant

JR:ms

APPROVED:

OPINION COMMITTEE  
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Robert T. Lewis  
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Sam Ray Wilson

REVIEWED FOR THE ATTORNEY GENERAL  
By: Morgan Nesbitt